

2009 DEC -3 PM 2: 35

PATENT  
Atty. Dkt. No. AVAN/000424

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	§	
Beatrice Dagens et al.	§	
	§	
Serial No.: 10/530,690	§	
	§	Group Art Unit: 3663
Confirmation No.: 7126	§	
	§	
Filed: April 9, 2005	§	Examiner: Ari M. Diacou
	§	
For: SEMICONDUCTOR OPTICAL	§	
AMPLIFIER WITH LATERAL	§	
AND DISTRIBUTED GAIN	§	
STABILISATION	§	

Commissioner for Patents  
Attn: Office of Finance, Refunds Branch  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR REFUND**

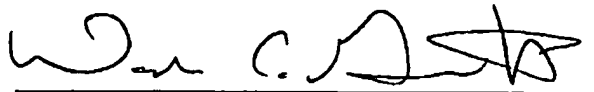
The Notice of Allowance and Fee(s) Due dated January 19, 2007, indicated that the issue fee (\$1,400) and publication fee (\$300) were due. On April 19, 2007, Applicant's attorney paid the indicated fees, totaling \$1,700, authorizing the Director to charge the payment to Deposit Account No. 20-0782. Copies of the Part B - Fee(s) Transmittal, Electronic Patent Application Fee Transmittal and Electronic Acknowledgement Receipt are attached.

On May 4, 2007, the application was withdrawn from issue, pursuant to 37 CFR 1.313, by Francis Hicks, Petitions Examiner, Office of Petitions, due to non-compliance of the declaration under 37 CFR 1.497(a)-(b). On August 30, 2007, Applicant filed a declaration in compliance with 37 CFR 1.497(a)-(b). A Notice of Allowance and Fee(s) Due issued on September 30, 2009, indicating an issue fee due in the amount of \$1,510, with \$1,400 previously paid.

On December 1, 2009, Applicant's attorney paid the issue fee of \$1,510 fee by credit card. Copies of the Part B - Fee(s) Transmittal, Electronic Patent Application Fee Transmittal and Electronic Acknowledgement Receipt are attached.

Applicant respectfully requests a refund of the previously paid issue fee, which was charged to the deposit account of Applicant's attorney. Please credit Deposit Account No. 20-0782/AVAN/000424/WCG in the amount of \$1,400, or please notify Applicant of the reasons for denying the request..

Respectfully submitted,



Walter C. Grollitsch  
Registration No. 48,678  
PATTERSON & SHERIDAN, L.L.P.  
3040 Post Oak Blvd. Suite 1500  
Houston, TX 77056  
Telephone: (713) 623-4844  
Facsimile: (713) 623-4846  
Attorney for Applicant

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

47389 7590 01/19/2007

PATTERSON & SHERIDAN, LLP  
3040 POST OAK BLVD  
SUITE 1500  
HOUSTON, TX 77095

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Walter C. Grollitsch (Depositor's name)  
*Walter C. Grollitsch* (Signature)  
19 April 2007 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,690	04/09/2005	Beatrice Dagens	AVAN/000424US	7126

TITLE OF INVENTION: SEMICONDUCTOR OPTICAL AMPLIFIER WITH LATERAL AND DISTRIBUTED GAIN STABILISATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	04/19/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
DIACOU, ARI M	3663	359-J44000

Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Patterson & Sheridan, L.L.P.

2. \_\_\_\_\_

3. \_\_\_\_\_

ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Avanex Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Fremont, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

a. The following fee(s) are submitted:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached. 30-01P2/APAN/000424US  
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 20-0782 (enclose an extra copy of this form).

Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*Walter C. Grollitsch*

Date

19 April 2007

Typed or printed name

Walter C. Grollitsch

Registration No. 48,678

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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### Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	10530690			
<b>Filing Date:</b>	09-Apr-2005			
<b>Title of Invention:</b>	SEMICONDUCTOR OPTICAL AMPLIFIER WITH LATERAL AND DISTRIBUTED GAIN STABILISATION			
<b>First Named Inventor/Applicant Name:</b>	Beatrice Dagens			
<b>Filer:</b>	Walter C. Grollitsch/Sharlyn Guthrie			
<b>Attorney Docket Number:</b>	AVAN/000424US			
Filed as Large Entity				
<b>U.S. National Stage under 35 USC 371 Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
Utility Appl Issue fee	1501	1	1400	1400
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1700

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1699534
<b>Application Number:</b>	10530690
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	7126
<b>Title of Invention:</b>	SEMICONDUCTOR OPTICAL AMPLIFIER WITH LATERAL AND DISTRIBUTED GAIN STABILISATION
<b>First Named Inventor/Applicant Name:</b>	Beatrice Dagens
<b>Customer Number:</b>	47389
<b>Filer:</b>	Walter C. Grollitsch/Sharlyn Guthrie
<b>Filer Authorized By:</b>	Walter C. Grollitsch
<b>Attorney Docket Number:</b>	AVAN/000424US
<b>Receipt Date:</b>	19-APR-2007
<b>Filing Date:</b>	09-APR-2005
<b>Time Stamp:</b>	18:36:44
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

### Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 1700
RAM confirmation Number	1073
Deposit Account	200782

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
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1	Issue Fee Payment (PTO-85B)	AVAN000424issuefee.pdf	87413	no	1
<b>Warnings:</b>					
<b>Information:</b>					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8366	no	2
<b>Warnings:</b>					
<b>Information:</b>					
Total Files Size (in bytes):			95779		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>          If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>          If a timely submission to enter the national stage of an International application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>          If a new International application is being filed and the international application includes the necessary components for an International filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

# **PART B - FEE(S) TRANSMITTAL**

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**P.O. Box 1450**  
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47389 7590 09/30/2009  
**PATTERSON & SHERIDAN, LLP**  
**3040 POST OAK BLVD**  
**SUITE 1500**  
**HOUSTON, TX 77056**

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/30/690 04/09/2005 Beatrice Dague AVAN000424US 7126

**TITLE OF INVENTION:** SEMICONDUCTOR OPTICAL AMPLIFIER WITH LATERAL AND DISTRIBUTED GAIN STABILISATION

APPL. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$0 \$1400 \$1510 12/30/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
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DIACOU, ARI M 3663 159-344000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternately,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Patterson & Sheridan, L.L.P.

2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

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(A) NAME OF ASSIGNEE

**Avanex Corporation**

(B) RESIDENCE (CITY and STATE OR COUNTRY)

**Fremont, California**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☒ Payment by credit card via EFS-Web.  
☒ The Director is hereby authorized to charge any deficiency of fees, or credit any overpayment, to Deposit Account No. 20-0782/AVAN000424WCG.

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Walter C. Grollitsch  
 Typed or printed name **Walter C. Grollitsch**

Date **December 1, 2009**  
 Registration No. **48,878**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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### Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	10530690			
<b>Filing Date:</b>	09-Apr-2005			
<b>Title of Invention:</b>	SEMICONDUCTOR OPTICAL AMPLIFIER WITH LATERAL AND DISTRIBUTED GAIN STABILISATION			
<b>First Named Inventor/Applicant Name:</b>	Beatrice Dagens			
<b>Filler:</b>	Walter C. Grollitsch/Teresa Fish			
<b>Attorney Docket Number:</b>	AVAN/000424US			
Filed as Large Entity				
<b>U.S. National Stage under 35 USC 371 Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
Utility Appl Issue fee	1501	1	1510	1510
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				1510

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	6551797
<b>Application Number:</b>	10530690
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	7126
<b>Title of Invention:</b>	SEMICONDUCTOR OPTICAL AMPLIFIER WITH LATERAL AND DISTRIBUTED GAIN STABILISATION
<b>First Named Inventor/Applicant Name:</b>	Beatrice Dagens
<b>Customer Number:</b>	47389
<b>Filer:</b>	Walter C. Grollitsch/Teresa Fish
<b>Filer Authorized By:</b>	Walter C. Grollitsch
<b>Attorney Docket Number:</b>	AVAN/000424US
<b>Receipt Date:</b>	01-DEC-2009
<b>Filing Date:</b>	09-APR-2005
<b>Time Stamp:</b>	18:17:37
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

### Payment information:

Submitted with Payment	yes				
Payment Type	Credit Card				
Payment was successfully received in RAM	\$1510				
RAM confirmation Number	5967				
Deposit Account					
Authorized User					
<b>File Listing:</b>					
<b>Document Number</b>	<b>Document Description</b>	<b>File Name</b>	<b>File Size(Bytes)/ Message Digest</b>	<b>Multi Part /.zip</b>	<b>Pages (if appl.)</b>

1	Issue Fee Payment (PTO-85B)	AVAN000424_Issue_Fee_Transmittal.PDF	88462 D3B46a20276b64e9f164b08a34c267193456	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30236 46aF728d10676a97d3a406a34c2d5b157b6e63a3	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			118698		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					